

Appl. No. 10/033,959
Amendment with Restriction Election and Traversal
Reply to Office action of April 29, 2005

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REMARKS / DISCUSSION OF ISSUES

are pending in the application.

Applicant(s) thank(s) the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Applicant(s) respectfully request(s) the Examiner to acknowledge the claim for foreign priority and receipt of any certified copies of priority document(s) provided earlier.

The Office action restricts the invention to one of the following groups of claims:

I. Claims 1-13 and 22-28, are drawn towards a method for preventing video copying based on selecting a scanning sequence; and

II. Claims 14-21, are draw towards a method for preventing video copying based on selecting a scanning rate.

In response, applicant(s) provisionally elect(s), with traverse, to prosecute claim(s) , identified as species , along with any newly added claims drawn to the same species.

Applicant(s) reserve(s) the right to prosecute the subject matter of the non-elected claim(s) in a divisional or other continuing application.

Applicants' traversal is based at least on the fact that the device and the method for making it are so closely related that searching both the device and the method would not impose an undue burden on the Examiner.

MPEP § 803 - Restriction - When Proper

... If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants' traversal is based at least on the fact that claims 1-9 recite a subcombination, and claims 10-18 recite a combination that depends on the subcombination of claim 1. As explained below, in this case the combination and subcombination are not separable and therefore there should be no restriction.

In order for a combination and a subcombination to be considered separate inventions for the purposes of restriction, two conditions must both be shown. One condition is that the

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subcombination must have utility either by itself or in other or different relations. It must also be shown that the combination does not require the particulars of the subcombination as claimed for patentability. MPEP 806.05(c). In this case, it is very clear that the combination does require the particulars of the subcombination, since independent claim itself requires the particulars of the subcombination of claim . Accordingly, restriction is not proper and the restriction requirement should be withdrawn.

Withdrawal of the restriction requirement and examination of the application on its merits are now respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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